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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/085,046	03/01/2002	Kiyofumi Sakaguchi	03500.010530.5	03500.010530.5 7805		
5514	7590 01/16/2004		EXAM	EXAMINER		
FITZPATRICK CELLA HARPER & SCINTO			FOURSON III, GEORGE R			
30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ART UNIT	PAPER NUMBER		
			2823			
			DATE MAILED: 01/16/2004	4		

Please find below and/or attached an Office communication concerning this application or proceeding.

9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) Notice of References Cited (PTO-892)		Application No.	Applicant(s)					
George Fourson  George Fourson  Jazza  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions from may be available under the processor of 3 CFR 1.136(a). In no event, however, may a reply be timely filed  Extension from may be available under the processor of 3 CFR 1.136(a). In no event, however, may a reply be timely filed  If the period for reply specified above it less than abidy (30) days, a reply within the statutory minimum of thinty (30) days will be considered timely.  If the period for reply specified above it less than abidy (30) days, a reply with the statutory minimum of thinty (30) days will be considered timely.  If the period for reply specified above it less than abidy (30) days, a reply with the statutory minimum of thinty (30) days will be considered timely.  If the period for reply specified above it less than abidy (30) days, a reply with the statutory minimum of thinty (30) days will be considered firmly.  If the period for reply specified above it less than abidy (30) days, and a reply than abidy (30) days will be considered timely.  If the period for reply specified above it less than abidy (30) days, and a reply than abidy (30) days will be considered timely.  If the period for reply specified above it less than abidy (30) days, and a reply than abidy (30) days will be considered in the period of the period of the statutory days and the	Office Action Summany	10/085,046	SAKAGUCHI ET A	AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions from may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filled  Extensions from may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filled  Extensions from may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timely filled  * If the period for reply specified above is less than filely (30) days, a reply which the statutory primitive fill the period for reply specified above. The maximum statutory period will apple and ville apple of 18 (a) MONTH for the mailing date of nise communication.  * If the period for reply specified above is less than filled period will apple and villed period will be statutory mismatically apple and villed period (40) (40) (40) (40) (40) (40) (40) (40)	Office Action Summary	Examiner	Art Unit					
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2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>							
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Application/Control Number: 10/085,046

Art Unit: 2823

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- 1. Claims 74-139 and 144-158, drawn to processes, classified in Class 438, subclass 459.
- II. Claims 140-143 and 159, drawn to devices, classified in Class 148, subclass 33.2.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

In the event applicant elects the invention of Group I the requirement for election of the species recited within claims 74-139 and 144-158 stated in the office action mailed 9/17/03 applies.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. See MPEP 203.08.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner George Fourson whose telephone number is (703) 308-2544. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax number for this group is (703)308-7722(and 7724 and 7382). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.

Georg# #ourson
Primary Examiner
Art Unit 2823

GFourson January 12, 2004